

## UNITED STATES DISTRICT COURT

for the

Western District of PennsylvaniaPittsburgh Division

Case No.

2:21-cv-1133

(to be filled in by the Clerk's Office)

ISBG/DAD

IDP pending

#4

RECEIVED

AUG 26 2021

CLERK, U.S. DISTRICT COURT  
FOR THE WESTERN DISTRICT  
OF PENNSYLVANIAAllen L St. Charles

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

See Attached

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

~~The inquiry to the caseworker about this application was ignored and my access to communication and legal material has since been restricted.~~  
form took 2 weeks to get

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff-named in the complaint. Attach additional pages if needed.

Name

Allen L. St. Charles

All other names by which  
you have been known:

ID Number

0193945

Current Institution

ACJ

Address

950 2nd Ave.

Pittsburgh  
CityPA  
State15219  
Zip Code**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

See Attached

Job or Title (*if known*)

Shield Number

Employer

ACJ

Address

950 2nd Ave.

PCH  
CityPA  
State15219  
Zip Code

Individual capacity



Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code



Individual capacity



Official capacity

## Defendants

Amrhein

Rush

Zelazos

Holland

T. Laney

Toomey

Cpt. Wiseman

Burns

East

J. Brown

Lt. Kozlawski (spelling?)

~~Vanchieri~~

Major Vanchieri

Sgt. Sarves

Orlando Harper (Administrator)

Others - Records and Warden's Office have refused to identify "Author Number's" responding to digital requests, and when a request or grievance is ignored (updated as read but unanswered), no identifying mark is left to show who read it.

## Defendant No. 3

Name \_\_\_\_\_

Job or Title (if known) \_\_\_\_\_

Shield Number \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

☐ Individual capacity☐ Official capacity

## Defendant No. 4

Name \_\_\_\_\_

Job or Title (if known) \_\_\_\_\_

Shield Number \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

☐ Individual capacity☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

See attached

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Basis for Jurisdiction

### B. Rights Violated

Denied Due process in disciplinary action effecting  
classification, bail and/or parole eligibility

Put in danger of serious physical harm

Denied meaningful access to the courts

Psychologically harassed and maintained at inhumane  
levels of tension via

1.) Witnessed <sup>serious</sup> abuse and harassment of other inmates  
with zero accountability.

2.) Immersion in an addict culture cultivated by guards  
profiting from drug sales and favoritism based  
on involvement.

3.) Complete disregard of facility policy, publishing  
of entirely contradictory policies simultaneously,  
and maliciously selective enforcement of petty  
policies to harass specific inmates

4.) Deliberate resistance/outright refusal to attend to  
facility grievance procedures

5.) Stolen mail, returned mail without notification,  
Attorney/client outgoing mail read by guards

Denial of Mental Health Care (Deliberate Indifference)

- Guards instigating violence by giving out charges or pointing out stitches

- Deprivation of rights in Protective Custody ↑  
(East)

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Pods 5F-3D-3C-6F

ACS 4/2020 - Present

C. What date and approximate time did the events giving rise to your claim(s) occur?

See Attached

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Attached

**V. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

**VI. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See Attached → Competent Mental Health Care from an outside source without being punished for it



I was sent to 5C (suicide watch) when I first got here, I refused to eat the first time I was there. The nurse asked my depression level on a scale of 1-10 said 10 every time, but I was still transferred to 5F. I skipped 52 meals before getting the letter from my Mother that cheered me up enough to eat. COs Amrhein and Zelapous on 5F were tormenting an old guy in a wheelchair, off is head far enough to be eating feces; Amrhein chanting like a child on a playground, "John Jay is going to 3A" over and over, Zelapous encouraging her inmates to scream out their cells and harass the guy - when another inmate (Sean Jarr) asked Amrhein directly if they could stop the guy from telling insults, Amrhein told him, "We're encouraging it". After telling the PD (Elizabeth LaForgia) about all this, she told me John Jay was also her client and she'd take care of it. Almost immediately, they (Zelapous + Amrhein) began harassing me instead. I sent several grievances; about me smashing my belongings; threatening me with charges for graffiti if I filed out a grievance about them, and about them unplugging the tablet signed to me from the charger overnight - all were ignored.

Dec 23<sup>rd</sup> I was moved from 5F to 3D, having never seen the doctor, not being told the doctor had cleared me for transfer, even though a Social Worker had specifically emailed asking to have me seen.

Jan 20<sup>th</sup> CO T. Loney (a regular 7am to 3pm CO from 5F with He to no business on 3D) relieved Galloway for his lunch, let my group out for rec out of sequence and for only 30 minutes (the previous group was owed 30). I took a shower and went straight back to my cell and shut the door, layed down and began reading on the tablet. 25 minutes later she called for help and wrote up the entire group for rioting - when they came to my door to take my picture, showed them I'd been logged in for 25 minutes reading. They still wrote the report. When they brought the write up for me.



to sign, it wasn't signed yet by Honey's superior. I filed a grievance that day against her ~~for~~ under "Staff Conduct" for writing a false report, demanding the CCTV footage be reviewed, and sent my copy to the ACLU. Galloway later told several podworkers (inmate trustees) that, "She planned to call that code before she ever hit the unit."

6) I was placed on RHU Next-day and refused access to a tablet. I filed new grievance under "Facility Policy" for being placed on restricted status as a disciplinary action without a hearing, and told Galloway that I'd be refusing trays until I got a hearing. I was removed from R 2 hours later and Galloway assured me that, "That ~~report~~ <sup>written up</sup> will probably be torn up." - It still took until the next day to get my copy of the report, signed by then by Captain Wiseman.

7) I waited the full amount of time allowed for grievances to be answered, got no response, then started sending request slips to Cpt. Wiseman asking for an answer to the grievances and status of the false report. (A disciplinary rep. for rioting can seriously affect Classification, Bail, and Parole eligibility effectively they're denying <sup>me</sup> my rights without due process if they put it on my record without a hearing) After I sent the first slip, 3D was put on Lockdown for 6 weeks straight, quarantine, isolation, then quarantine again, 2 weeks each, but with inmates still coming and going the whole time. By shifting inmates from 3A (the most dangerous pod) up to isolation upstairs for being "sick", then back down into quarantine in 3D, and vice-versa, 3A and 3D were flipped over that 6 weeks, making 3D way more dangerous.

8) At the end of that lockdown, I sent a second slip to Cpt. Wiseman, still asking for the same things. Within 3 days I had a PK member with tattoos all over his face at my door threatening me. I ignored him, but told the pod officer, East, just to make him aware of it.

round a week later I sent a third slip to Wiseman and within 2 wks (on March 11<sup>th</sup> or 12<sup>th</sup>) had a group of 4 PK members at my door planning to all come in as soon as one of "their guards" was on shift. PK was soundbored in this jail and counts several staff members as members)

I told the CO on duty, "G", what they were planning and that they needed to move me. G said he'd move me but I'd have to report names & descriptions - I said I would, so he pulled me out, but once we got to the hallway, he and <sup>(Lt.)</sup> Kozlawski refused to make a report or to take me to Protective Custody, instead moving me to 3L and putting me in a corner cell with a broken toilet and no wifi (where I still am)

Shortly after that move, request slips were made available on the tablets and on 4/15 I sent 2 requests to the Sgt's Group asking about reported separations with the PK members and asking for responses to my grievances from 1/20 and 1/21 and asking for the status of the false disciplinary report. (No answers)

I waited the 15 working days listed on the tablet as the limit for request slip responses, then sent a request to the Captain's group mentioning 2 requests from 4/15 and asking again for a response.

On May 11<sup>th</sup> that request was answered not by a Captain, but by Sgt. Hefflin, and the Category was changed from "Captains" to "Classification" - Hefflin said my request had been forwarded to Majorinchieri - I immediately sent a request to "Phone/Tablet requests" asking why the Category was changed and stated that I was preparing a Prisoner's Complaint for Violation of Civil Rights and needed printed copies of all of my digital requests, because the category change was (or could be) a deliberate attempt to muddy the "Paper trail" - ~~the~~, inhibiting my ability to prove I've "Exhausted administrative options" for resolving the grievance before filing a complaint.

3) Signing into the tablet the morning of May 20th, All of my request slips were inaccessible, and I had to use other means to gain access and find that of my 2 requests from 4/15, Vanchieri (or someone) responded to the one about the PK threats and separations, but did nothing about it, only replying, "You've since been moved" - The request about the January grievances and false report was updated as ready, but unanswered.

Pertinent Requestlink requests	(Sent to)
21-000000780	4/14 Warden
21-000000836	4/15 Sgt.
21-000000843	4/15 Sgt.
21-000005632	5/6 Cpt.
21-000008531	5/14 Phone/Tablet
21-000011818	5/24 Caseworker
21-000010265	5/20 Phone/Tablet
21-000011519	5/23 Records
21-0000 <del>12121</del> 12121	5/25 Phone/Tablet

Transcriptions of these requests aren't needed for the Warden's office or Jail Board, who should both have access, but will be sent to NPR and the Program Review Committee - I expect printed copies of All my digital requests to be attached to the final complaint before Silingo.

## Statement of Claim

C+D (Dates + Times + Facts) Addendum  
8/15/21

Since writing the bulk of this complaint I've been moved up to 6F (Protective Custody) after being pointed out to the Poolworkers on 3C by C.O. East as a snitch who told on Poolworkers in 3D for selling "K2", which is NOT synthetic marijuana, but a generic term for my and all drugs smuggled in on paper - ranging from weak nicotine vape juice to suboxine<sup>(sp?)</sup> or Fentanyl<sup>(sp?)</sup>, depending on the resources of the guard bringing it in, 90% of the time the inmates themselves have no clue what they're buying. Like I said in the complaint, this is a junkie culture perpetuated entirely by the guards, even the Hope Program pool was inundated with drugs. After coming up to 6F I had reduced access to the tablets and got almost no response from the pool's caseworker. (Paperwork I asked for in June was delivered July 23<sup>rd</sup>), and I was soon moved again into the 7C (Admin. Segregation) Bubble as punishment for another complaint about reduced access and malicious treatment from the guards - I was written up falsely, again, by C.O. Rush just to justify the move - he had me put next to an inmate in permanent Ad. Seg. because he has attempted to rape other inmates in the past - Rush made sure to label me a snitch in that group as well, and several times popped both of our doors at the same time. At the hearing, Rush's writeup was dismissed, then I was moved back onto the PC tier, put into a corner cell with no wifi access - so again,

reduced access + rights as unofficial punishment. While in the AC Bubble and since I have been back on the tier, I have several times reported multiple guards (Toomey + J. Brown) for passing drugs to the podworkers, including exact times to watch the cameras when Toomey was pulling the Podworker dealer, Matt, into restricted areas to pass him the drugs; also which phone accounts to listen to for calls directing payments AND the podworker's outside cashapps being used to take payment and forward it to the guards - One report, sent to the Warden's office was forwarded Down to the Sgt's group, after which I received a visit from Sgt. Sarver "What's your problem? What's with all these grievances? I'm the one who reads them. Lay it down." - All of the reports were also sent to Internal Affairs, but not one shutdown yet, not one podworker replaced, or the drugs are still coming in, still being bought by the same group of guys, and even when someone gets nailed for smoking because a nurse caught them or they were seen on camera with a burning wick, the writeup magically gets dismissed or changed to something besides drugs. - My mail has been blocked for months, barely anything gets in and nothing is getting out to my attorney, Juliette Ruhl (a reporter), the ACLU, the PA Prison Society, or the Jail Board - So I'm going to bring the packet to court 8/17 when I am scheduled next.



## III Relief Sought

Assurance, on the record, that Tolaney's false report from 1/20 will not affect me in any way

Written policy protecting inmates' right to a copy of their personal mail  
Mandated photocopying of All incoming legal mail (~~because this is currently the main way~~  
~~drugs are entering the pods~~)

Publicly published Facility policy, including disciplinary policy regarding Staff  
Mandated preservation (180 days at least) of CCTV evidence whenever Staff  
Conduct is the subject of a grievance

Full outside review of all tablet policy, or lack of, regarding the  
confinement of Rights such as personal mail, religious or legal  
study or communication, leisure reading (by eliminating <sup>incoming</sup> subscriptions and  
publications) or any other, to the Tablet - in relation to the  
repeated (and excessive) threats to deny access as a disciplinary  
act. (Currently EVERY infraction of any rule earns a threat  
to "take away your tablet")

Review of Grievance Policies and adjustment for Timely resolution.  
(The current 140 days is too long)

Serious investigation of drug traffic involving ranked Staff

I have a right to get a letter from my Sister - I have a right to  
sit on my bunk and read a book or the News or a Bible - I have a  
right to file a grievance and get complaints addressed without fear  
of retaliation, direct or indirect - I have a right to a copy of  
the rules I am expected to live by, and a right to see my  
jailers comply with those same rules - And I have a right to  
timely ~~remedies~~ remedies when these rights are violated,  
without excessive argument or deliberate delay.

**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

ACJ

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

All



- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

ALJ

2. What did you claim in your grievance?

- Many Grievances see attached from statement of Claim C+D

3. What was the result, if any?

threats, harrassment, ridicule, deliberate endangerment

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Paper grievances were never answered to be appealed, digital grievances have been ignored, recategorized and treated dismissively - I have even tried to get them printed to attach to this complaint and after being referred to the same group for the request 3 times, I have been refused 3 times and told I can't get copies of my grievances without a subpoena. When I started asking for evidence to support this complaint and about how to file it, the threats became more direct and more serious - I had to send a message to I.A. to get Protective Custody after being ignored and denied for over a year. I also wrote the Jail Board several times with no response.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I didn't file any grievance about the Mental Health part of the complaint, because I have seen mental health "care" used as a punishment often in this facility - the guards also beat the medicated inmates basically at will - I asked my attorney over a year ago to get me seen by an outside provider - she promised to, but I haven't seen anyone yet - the social worker emailed the jail to have me seen, but in 14 months I've not seen anyone with a brief interview

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, to clear when and how, and their response, if any: (Mental Health Portion)

Social Worker Laura Stanes  
Public Defender Elizabeth LaFargia

are for PC

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Please subpoena and review <sup>all</sup> my digital requests from the GTL tablets on the Requestlink app - there are currently almost 40 total, but the earliest are most important, especially 21-000000836, 21-000000843, and 21-000005632

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 6/10/2021

Signature of Plaintiff

Allen L. St. Charles

Printed Name of Plaintiff

Allen L. St. Charles

Prison Identification #

0193945

Prison Address

950 2nd Ave. (61)

Pittsburgh  
City

PA  
State

15219  
Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

Telephone Number

E-mail Address